

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

DONNA LYTLE,

Plaintiff,

vs.

CAPITAL ONE BANK (USA), N.A.,

Defendant.

Case No. 3:18-CV-00805-REP

**STIPULATION FOR VOLUNTARY  
DISMISSAL PURSUANT TO  
FED.R.CIV.P. 41(a)(1)(A)(ii)**

**NOW COME**, Plaintiff, Donna Lytle, and Defendant, Capital One Bank (USA), N.A.,  
through their respective undersigned attorneys and respectfully state and pray:

1. On November 20, 2018, Plaintiff filed the complaint in this case (Dkt. 1).
2. On February 12, 2019, Defendant answered the Complaint.
3. Federal Rule of Civil Procedure 41 provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

**(ii) a stipulation of dismissal signed by all parties who have appeared.**

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

Fed.R.Civ.P. 41, 28 U.S.C. (emphasis added).

4. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), the parties respectfully notify the Court that they have stipulated to the voluntary dismissal of the Complaint, with prejudice. The parties will assume their own litigation costs.

**WHEREFORE**, the parties respectfully request this Honorable Court to GRANT the instant stipulation for voluntary dismissal of the present case, with prejudice.

Dated: May 10, 2019

Respectfully submitted,

/s/ Francis Webb

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*Pro hac vice* admitted

and

By: /s/ John D. Sadler

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*Attorneys for Defendant Capital One Bank (USA)*  
*N.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the all CM/ECF participants, including Defendant's Counsel of record.

By: /s/ Francis Webb  
Francis Alexander Webb  
Attorney for Plaintiff